



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003883
Applicant Name: Ronald Johnson
Address of Proposal: 5702 35th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are approximately: A) 2,480 square feet and B) 1,800 square feet. Both existing single family structures are to remain. There will be one single-family residence on each of the proposed lots. At the time of this decision there was no building permit related to this subdivision.

The following approval is required:

Short Subdivision – To subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site Visit: May 25, 2006

Zoning: Single Family Residential 5000

Uses on Site: Two single-family residences.

Substantive Site Characteristics:

This 4,280 square foot subject site (the “parent lot”) is a rectangular corner lot that fronts on 35th Avenue NE to the west and NE 57th Street to the south. The existing development on the site consists of two single family residences. The surrounding zoning is Single Family Residential 5000. The architecture and development pattern is consistent with single family zoning

The site slopes downward to the east with an approximate 16 foot elevation change. There are large shrubs located in the front yard of the home on 35th Avenue, along the southern border of the lot, and also next to the home on the eastern portion of the lot. There are two streets trees located adjacent to the south of the home on proposed Parcel B. The site is not located in any mapped critical areas.

Proposal Description:

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The applicant proposes to subdivide one parcel with a total area of 4,280 square feet into two parcels with one single-family residence on each new lot. Proposed Parcel A is located on the western portion of the original lot, and as a corner lot it will have street frontage on 35th Avenue NE and NE 57th Street for pedestrian access. Parcel B will be created on the eastern portion of the original lot as a flag lot with street frontage on NE 57th Street for pedestrian access and 2’ of street frontage on 35th Avenue NE. Parking is provided as follows: the single-family residence on proposed Parcel A has an existing driveway and attached one-car garage, and the single-family residence on proposed Parcel B utilizes on-street parking.

The subject of this analysis and decision is only the proposed division of land.

Public Comment:

The comment period for this proposal was extended by written request until May 31, 2006. During this period, one e-mail response was received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

Conformance to the applicable Land Use Code provisions;

The subject property is zoned for single-family residential. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046 notwithstanding. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for the structures located on proposed parcel A and proposed parcel B are existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to single family zone development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed Parcel A will have pedestrian access to 35th Avenue NE and NE 57th Street and proposed parcel B will have pedestrian access to NE 57th Street. The Seattle Fire Department has no objection to the proposed short plat based on existing development. A condition on future construction is, however, warranted based on the Seattle Fire Code. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. One parking space is proposed to be located on parcel A. Proposed parcel B does not have off-street parking and none is required; this helps to preserve two street trees and not reduce the current street parking with an additional curb cut. The parcels meet the requirements for adequate access for vehicles. Parcel A has direct vehicle access from NE 57th Street.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on June 8, 2006 (WAC ID No. 20061061). The two single family structures discharge their sanitary waste to the public sanitary only sewer in 36th Avenue NE by the way of a shared sidesewer in NE 57th Street. City Code requires a recorded agreement granting the City Indemnification from allowing such a connection; the proposal is conditioned accordingly. As conditioned, the parcels are adequate for sanitary sewage disposal and drainage requirements.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

At the time of this decision, no related building permits have been applied for. The structures are proposed to remain, and no construction is proposed, as a result the plat is designed to maximize the retention of the existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, establishing nonconforming status;*

Based on records on file with King County Assessor's Office, two single-family structures were built in 1924 on the subject property. The legal description for this lot with King County Assessor is 1 10 University Home TRS. As a result, the two residences are eligible to be established as a non-conforming development

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

King County Assessor's data shows that both homes were constructed in 1924. Therefore the provisions of this section are met

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the proposed plat configuration showing separate structures on each proposed parcel. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

- a. *Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
- b. *The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;*

If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section 23.44.016 as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision;

Proposed parcel A has one parking space located on the parcel and thus meets Section 23.44.016. An exemption from this parking requirement for proposed parcel B is allowed due to its current situation of no existing off-street parking and the mitigating circumstances of preserving two street trees and not reducing the current street parking with an additional curb cut.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwelling located on proposed Parcel A is proposed to be 4.4 feet at the closest point to the proposed common (south) lot line. The single-family dwelling located on proposed Parcel B is proposed to be 11 feet at the closest point to the proposed common (west) lot line. Proposed parcel sizes are approximately: Parcel A is 2,480 square feet and Parcel B is 1,800 square feet. As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B5. Below is a table that summarizes the development standards that if strictly applied would preclude the approval of this subdivision.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B5, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the waiver of the following yard standards will further the public interest.

Analysis of Required Yards

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard
<u>Proposed Parcel A- 5702 35th Avenue NE</u>	Non- conforming at 12.01 (existing)	Conforming at 6.33' (existing)	Conforming at ≥5.0' (existing)	Non- conforming at 11.94 (proposed)
	Front Yard	Side Yard (west)	Side Yard (east)	Rear Yard
<u>Proposed Parcel B- 3508 NE 57th Street</u>	Non- conforming at 7.33' (proposed)	Conforming at ≥5.0' (proposed)	Non- conforming at 4.91' (proposed)	Non- conforming at 8.47' (proposed)

Table 1

The above yard waivers are granted, as a result the proposed subdivision is conditionally granted.

Summary

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply, and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
4. Submit the recording fee and final recording forms for approval.
5. Place the following note on the face of the plat:

"Pursuant to **2003 Seattle Fire Code, Section 508** "A fire hydrant must be within 600 feet, by an approved route, of any point on the exterior wall for each facility, building or portion of building **hereafter** constructed or moved on to Lots A and B shown in the plan. The hydrant must provide a minimum water flow of 1000 gallons per minute flowing independently."

6. Provide a copy of recorded Connection, Hold Harmless and Indemnification Agreement signed and notarized by the owner(s). The recorded agreement shall be noted in the legal descriptions of Parcels A and B.

Prior to Issuance of any Building Permit

1. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: July 20, 2006

Janet Hyde-Wright, Land Use Planner
Department of Planning and Development

Application No. 3003883

Page 9

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